

An ordinance regulating the uses of buildings, structures and land for trade, industry, commerce, residence, recreation, public activities or other purposes, the size of yards, courts and other open spaces, the location, height, bulk, number of stories and size of buildings and other structures, the density and distribution of population, creating districts for said purposes and establishing the boundaries thereof; defining certain terms used herein; providing for the method of administration, amendment and enforcement, providing penalties for violations, providing for a board of adjustment and defining the duties and powers of said board; repealing conflicting ordinances; and for other purposes.

ARTICLE I. AUTHORITY AND ENACTMENT CLAUSE

Section 1.01. Generally.

The city council of the City of Salisbury, in pursuance of the authority granted by the General Statutes of North Carolina, particularly G.S. ch. 160A, art. 19, and the authority vested in the City of Salisbury by its charter, hereby ordains and enacts into the law the following articles and sections.

Section 1.02. Purpose of land use zoning.

The land use zoning text and map is for the purpose of promoting the health, safety, morals, and general welfare of the area within the corporate limits of the City of Salisbury and all the extraterritorial area beyond the city corporate limits as now exists and as shall be fixed hereafter. The total area is divided into districts and the content of the ordinance is composed in accordance with a comprehensive plan deemed to be best suited to the area and its citizens and is designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, safety, and the general welfare; to provide adequate light, air, and open space to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; to provide a basis and a means for achieving the land use plan of Salisbury through the sound and harmonious development of the community in the interest of the general welfare; to preserve property values; and to provide for a fair and proper administration of the zoning ordinance and its orderly amendment.

ARTICLE II. SHORT TITLE

Section 2.01. Generally.

This ordinance shall be known and may be cited as ``The Zoning Ordinance of the City of Salisbury, North Carolina."

ARTICLE III. APPLICATION

Section 3.01. Jurisdiction.

The provisions of this ordinance shall apply within the primary corporate limits, the satellite (noncontiguous) corporate limits, and the extraterritorial jurisdiction of the City of Salisbury, North Carolina, as now or hereafter fixed and shown on the official zoning map or atlas of the City of Salisbury, North Carolina. Where the extraterritorial jurisdictional boundary is so indicated that it is approximately parallel to the centerline of streets, highways, railroads, rights-of-way, or streams of same, such boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on said zoning map.

(Ord. No. 1978-38, § 1, 9-5-78)

Section 3.02. Bona fide farms exempt.

This ordinance shall in no way regulate, restrict, prohibit, or otherwise deter any bona fide farm and its related uses within the jurisdictional area as defined in section 3.01, except that any use of such property for nonfarm purposes shall be subject to these zoning regulations.

ARTICLE IV. DEFINITION OF TERMS USED IN THIS ORDINANCE

Section 4.01. Interpretation of certain terms and words.

For the purpose of interpreting this ordinance, certain words or terms are herein defined. Except as defined herein, all other words used in this ordinance shall have their customary dictionary definition.

- (1) Words used in the present tense include the future tense.
- (2) Words used in the singular number include the plural, and words used in the plural number include the singular.
- (3) The word ``person" includes a firm, association, organization, partnership, corporation, trust and company as well as an individual.
- (4) The word ``lot" includes the word ``plot" or ``parcel."
- (5) The word ``building" includes the word ``structure."
- (6) The word ``shall" is always mandatory and not directory.
- (7) The words ``used" or ``occupied" as applied to any land or building shall be construed to include the words ``intended, arranged, or designed to be used or occupied."
- (8) The word ``map," ``zoning map," or ``Salisbury zoning map," shall mean the ``official zoning map of Salisbury."

Section 4.02. Definitions.

Alley or Alleyway. A publicly dedicated access which affords only a secondary means of access to abutting property.

Amortization. The process by which nonconforming uses and structures shall be discontinued or made to conform to requirements of the ordinance at the end of a specified period of time.

Bed and breakfast home. A private home (i.e., a dwelling unit occupied by a family) offering bed and breakfast accommodations for one (1) or more individual guests or families for a period of less than seven (7) consecutive days.

Berm. A mound of material, the purpose of which is to divert the flow of runoff water and/or to act as a visual and sound buffer to nearby properties.

Brownfields. Vacant or underused industrial or commercial properties where contamination, or at least the threat of contamination, has hindered development.

Buffer. An area of land planted or constructed to separate uses (also called Planting Yards).

Building. Any structure having a roof supported by columns or by walls and intended for shelter, housing or enclosure of persons, animals or chattels.

Building coverage. The amount of land covered or permitted to be covered by a building(s), usually measured in percentage of a lot. For example, if permitted building coverage is 25 percent, an 8,000 sq. ft. lot coverage regulations are one way (in addition to or instead of yards and setbacks) to assure maintenance of open space on lots and to limit intensity. Sometimes building coverage requirements may refer only to main buildings; sometimes, they may include accessory buildings as well.

Building height. The vertical distance measured from the average elevation of the finished grade to the topmost section of the roof.

Building, accessory. A building subordinate to the main building on a lot and used for purposes customarily incidental to the main or principal building and located on the same lot therewith.

Building, principal. A building in which is conducted the main or principal use of the lot on which said building is situated.

Bulk plane. An imaginary inclined plane, rising over a lot, drawn at a specified angle from the vertical, the bottom side of which is coincidental with the lot line(s) or yard line(s) of the lot, or directly above them, and which together with other bulk regulations and lot size requirements, delineate the maximum bulk of any improvement which may be constructed on the lot. The angle of bulk plane is established by district regulations, and no portion of any structure, with specified exceptions, is permitted to extend beyond it. Where such requirements exist, upper floors must be set back increasingly greater distances from the street or sides of the lot.

Certificate of Occupancy. A certificate issued by the Zoning Administrator or his designated representative certifying that all structures, their land uses, and land restrictions conform with all the requirements of the Salisbury Zoning Ordinance. This certificate is issued prior to occupying any structure or use for which a zoning permit is issued. See Section 15.04.

Child day care. Any child care arrangement wherein three or more children less than 13 years old receive care away from home by persons other than their parents, grandparents, aunts, uncles, brothers, sisters, first cousins, guardians, or full-time custodians, or in the child's own home where other unrelated children are in care. Care and supervision are available for periods of less than 24 hours per day.

Child day care facility. A facility may have six or more preschool aged children, and as many above preschool age as long as all other requirements of the state are met.

Child day care home. A home may have five or fewer preschool aged children, and a total of eight children in the home as long as all other requirements of the state are met.

Comprehensive Plan. A document or series of documents setting forth policies for the future of a community. It is normally the result of considerable study and analysis of existing physical, economic, and social conditions, and a projection of future conditions. When adopted by a public body, it serves as a guide for many public decisions, especially land use changes.

Condominium. Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions.

Contract zoning. The establishment of conditions in connection with a rezoning which bind the developer and the community to its terms. One common form of contract zoning is allowing a change in a particular district classification on agreement that development will be for only one of the uses generally allowed. For example, "a change to B-5 is permitted, if you agree to build offices and not a bank." It often has been invalidated mainly because it seldom is specifically authorized in state enabling legislation and because it bargains away the right of future legislative bodies to exercise their zoning power in changing the designation. On the other hand, when it is used to

accomplish valid purposes and is applied within reasonable rules, contract zoning is becoming more widely accepted. In the state of North Carolina, it is allowed through special (or conditional) use zoning as specified in G.S. 160A-362.

Corridor zoning. Zoning along a particular roadway, or segment of roadway, usually for consistency in future development, and is frequently implemented as an overlay zone.

Cumulative (pyramidal) zoning. A zoning scheme that begins with the most protected land use, usually the single-family home, and permits in each “lower” district all the uses above plus new ones, in a sort of pyramid fashion. Thus, the least-protected zoning, such as a heavy industrial district, would permit all uses allowed in all other districts. Such districts, in effect, are not zoned. The uses permitted in R-8 single family zones might be limited to single family dwellings. Where cumulative zoning applies, the R-6 zoning would permit “all uses permitted in R-8 zone” and two-family dwellings, on up the line through commercial and industrial zones.

Developmentally disabled person. A person who has a severe or chronic disability attributed to mental or physical impairment or a combination thereof, resulting in substantial functional limitations in life activities. Such limitations may affect the person’s ability to self care, utilize receptive and expressive language, learn, be mobile, self-direct, live independently, or be economically self-sufficient. Such persons may require a combination or sequence of special, interdisciplinary, or generic care, treatment, or other services which are lifelong or extended duration and are individually planned and coordinated.

Downzoning. A change in the zoning classification of and to a classification permitting development that is less intensive or dense, such as from multi-family to single family residential, or from commercial or industrial to residential. (A change in the opposite direction is called “upzoning.”)

Drainage, concentrated flow. Drainage concentrated in ditches or pipes, as opposed to spread out.

Drainage, enhanced. Drainage carried by drainageways which have been improved to resist soil erosion and stream bank degradation and/or sized to carry anticipated runoff from storm events.

Drainage, sheet flow (dispersed). Drainage spread out, as opposed to collected in channels.

Drainageway. Any natural or manmade channel or drainage structure that carries surface runoff from precipitation.

Drive-in restaurant. A drive-in restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes the serving of foods, frozen desserts, or beverages directly to the customer in a motor vehicle either by a carhop or by other means which eliminate the need for the customer to leave the motor vehicle.

Drive-through window. A window or other fenestration or other device for the delivery of goods or products from a principal or accessory structure to a vehicle or pedestrian and through which compensation for such may be exchanged, including the making of change, and the order for such goods is made from a remote on-site station rather than at a window or other fenestration of other device. (This definition includes the term “drive-in window.”)

Dwelling. A building designed, arranged, or used for permanent living quarters for one (1) or more persons.

Single-family dwelling: A building designed, constructed or reconstructed and used for one (1) dwelling unit.

Two-family (duplex) dwelling: A building designed, constructed or reconstructed and used for two (2) dwelling units.

Multifamily dwelling: A building designed, constructed or reconstructed and used for more than two (2) dwelling units.

Boarding and rooming houses: A building used for the lodging, or feeding and lodging of permanent house guests for compensation but not including bed and breakfast, restaurants, hotels, motels, or any custodial care, personal care, or habilitation services as to distinguish such from group homes or institutional care, and being available for general public use.*

***Cross reference(s)**--Rooming house defined for purposes of Code of Ordinances, § 1-2.

Dwelling unit. A building, or portion thereof, providing complete living quarters for one (1) or more persons.

Family.

An individual, or two (2) or more persons related by blood, marriage or adoption living together as a single household unit; or

A group of not more than six (6) persons, who need not be related by blood, marriage or adoption, living together as a single housekeeping unit.

Easement. A grant of one or more of the property rights, by the property owner, to, or for use of, the public, a corporation, or other entity.

Easement, access. An easement which grants the right to cross property.

Easement, drainage. An easement which recognizes and documents the presence of a drainageway, guarantees the passage of stormwater runoff, and may grant the right to maintain, relocate, or in such other manner utilize the easement for the improvement of drainage and stormwater flow.

Easement, utility. An easement which grants to the city council or other utility providers the right to install and thereafter maintain any and all utilities including, but not limited to, water lines, sewer lines, storm sewer lines, electrical power lines, telephone lines, natural gas lines, and community antenna television systems.

Erosion. The wearing away of land surface by the action of wind, water, gravity, or any combination thereof.

Exclusive use zoning. The establishment of zoning districts which tend to allow a fairly limited range of uses in each district. This follows from the view that even so-called “lower” uses, such as industrial, need to be protected from intrusions by “higher” uses, such as residential.

Extraterritorial Jurisdiction. That land lying beyond the municipal limits of the city of Salisbury and within the extraterritorial jurisdiction boundary as delineated on the Official Zoning Map of the City of Salisbury in accordance with G.S. 160A-360. The authority is granted to a locality

to exercise zoning powers for a specified distance outside its boundaries. It is intended to protect activities on the edge of communities from being encroached on by incompatible adjacent activities.

Family care homes. A home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six (6) resident handicapped persons.

Fast food restaurant. A fast food restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method or operation includes the following characteristics:

Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.

The consumption of foods, frozen desserts, or beverages may be either within the restaurant building or for carry-out with consumption either on or off the premises.

A drive-through window allows customers to order and pick up foods, frozen desserts, or beverages without having to leave a motor vehicle.

Flea markets. Buildings or open areas in which stalls or sales areas are set aside, and rented or otherwise provided, and which are intended for use by various individuals or by educational, religious or charitable organizations to sell sundry articles such as those which are either homemade, homegrown, homecrafted, old, obsolete or antique where the proceeds or portion thereof is retained by the maker or the individual offering such items for sale. This definition is not intended to permit the selling of goods at retail by businesses or individuals who are generally or traditionally engaged in retail trade or to include yard sales by an individual on his own premises of his own personal property or above-stated items or charitable bazaars.

Flood fringe. The land area located between the floodway and maximum elevation subject to inundation by the base flood.

Flood, base. The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Floodplain. The relatively flat area or low land adjacent to the channel of a federally designated watercourse which has been or may be covered by floodwater during a base flood event.

Floodway. The channel of a federally designated watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Frontage. All the property abutting on one (1) side of a street between two (2) intersecting streets measured along the street line. ``Frontage along a public street" requires means of direct access by the public.

General warehousing. A building or portion thereof used for bulk storage of property that does not contain individual compartmentalized units as defined in paragraph (37).

Greenway. Public open space owned and maintained by the city which has been designated on an officially adopted greenway or open space plan.

Ground cover. Any vegetation, masonry, paving, or other material(s) which render the soil surface stable against accelerated erosion.

Group development. A form of development usually characterized by a unified site design for a number of housing units, clustering buildings providing common open space, and sometimes a mixing of building types and land uses. It permits the planning of a project over the entire development, rather than on an individual lot-by-lot basis. It also refers to a process, mainly revolving around site plan review, in which public officials have considerable involvement in determining the nature of the development. It includes aspects of both subdivision and zoning regulation and usually is administered either through a special permit or a rezoning process. Group developments have been commonly used for housing developments (such as apartment, condominium or townhouse projects), shopping centers, industrial and office parks, and mixed used developments which may be any combination, depending on local ordinance. Group developments allow the unified, and hence potentially more desirable and attractive, development of an area, based on a comprehensive site plan. Other terms for group development include planned developments, PUDs (planned unit development), unitary developments, or community unit plans.

Group homes. A facility providing twenty-four-hour supervision for the custodial care of physically or developmentally disabled children and adults but not including family care homes as provided for in G.S. 168-20 through 168-23. Group homes may include supervised living facilities and residential treatment facilities that primarily provide therapy for juveniles adjudicated as delinquent.

Growth management (growth control; land use development management). The use by a community of a wide range of techniques in combination to permit it to determine its own amount, type, and rate of growth and to channel it into designated areas.

Handicapped person. As used in family care definition, a person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in G.S. 122C-3(11)(b).

Home occupation. A commercial activity that: (a) is conducted by a person on the same lot in a residential district where such person resides, and (b) is not so commonly associated with the residential use as to be regarded as an accessory use (see section 4.02(2)), but that can be conducted without any significantly adverse impact on the surrounding neighborhood. (See Section 12.31.)

Impact analysis. The process of evaluating a proposal's expected impact on its surroundings or on a community. It alerts decision makers what is likely to happen if the project goes ahead as a way of helping them arrive at an informed decision.

Impervious surface. Improvements including street pavement, driveways, gravel areas, buildings, and other structures which cover the soil surface and prevent infiltration of water into the soil.

Incentive (bonus) zoning. A system under which developers are given bonuses in exchange for providing amenities the community feels are desirable. This is in contrast to zoning's traditional effect of limiting or restricting development. Bonuses granted usually are in the form of higher permitted densities or use of land to improve a development's profitability. Amenities received have been plazas, more open space, more landscaping, and certain desired site designs. It appears that there are considerable opportunities for expansion of an incentive zoning system to achieve many more desirable public objectives.

Interim zoning. A device to freeze or severely restrict development for a short period, during which a comprehensive plan for an area or a new set of zoning regulations is prepared. Interim zoning has three main purposes: it permits planning and ordinance writing to proceed relatively free of development pressures; it prevents uses that will not conform to the adopted ordinances; and it engenders public debate on the issues.

Juvenile adjudicated as delinquent. A minor, less than 18 years of age, who has, through the criminal justice system, been determined to have committed offenses or violations of law. Such persons may be subject to, or court ordered to participate in, varying degrees of therapy, treatment, or behavior modification, including specialized living situations and/or incarceration.

Land disturbing activity. Any use of the land by any person(s) in residential, industrial, educational, institutional, or commercial development, highway or road construction or maintenance, that results in a change in natural cover or topography that may cause or contribute to sedimentation.

Land, improved. Raw land which has been provided with basic utilities such as water and sewerage, streets, and if required, sidewalks; such improvements normally precede residential or other construction. The term occasionally is used more broadly to include land with buildings and utilities, although the preferred term for such land is “developed.”

Land, raw. Vacant land, unsubdivided and unimproved with utilities. (Contrast with land, improved.)

Landscaping. Changing, rearranging, or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use to which the land is put. It may include reshaping the land by moving the earth, as well as preserving the original vegetation or adding vegetation. Landscaping requirements are included in ordinances for a number of reasons. They preserve natural features of a site for ecological and environmental reasons. They make land more attractive for residential and other uses. They can screen from view unattractive uses such as junk yards, parking lots, or gravel pits. And they can act as buffers, visually separating different types of uses.

Land-use controls. A term generally referring to the use of police power techniques to control and guide land use and development. In actual use, the term normally refers to zoning, subdivision regulations, and official maps.

Leapfrog development. The development of relatively cheap land on the urban fringe by jumping over the more expensive land located immediately adjacent to existing development. Land located in the expected path of development, i.e., with good access to transportation or utilities or next to existing built-up areas, tends to sell at a premium price. Developers often find that they can skip this expensive land and buy up other land, usually farms, at some distance, sometimes several miles out. While the houses may be cheaper, the result may be serious problems for both the new residents and the public. Not only may there be inadequate access to transportation and utilities, but other public services, shopping, and other support services may be lacking, and they may cost much more to provide.

Lot. A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.

Lot of record. A lot which is a part of a subdivision, a plat of which has been recorded in the office of the register of deeds of Rowan County or a lot described by metes and bounds, the description of which has been so recorded.

Lot width. The distance between side lot lines measured at the building line.

Manufactured Home - a dwelling unit that:

- (1) is composed of one or more components, each of which is substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis;

- (2) exceeds 40 feet in length and 8 feet in width; and
- (3) is not constructed in accordance with the standards set forth in the North Carolina State Building Code.

Manufactured Home, Class A – A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U. S. Dept. of Housing and Urban Development (HUD) that were in effect at the time of construction and that satisfies “appearance criteria” A through J as established by this Ordinance.

Manufactured Home, Class AA – A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U. S. Dept. of Housing and Urban Development (HUD) that were in effect at the time of construction and that satisfies “appearance criteria” A through L as established by this Ordinance.

Manufactured Home, Class B – A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U. S. Dept. of Housing and Urban Development (HUD) that were in effect at the time of construction and that satisfies “appearance criteria” A through F as established by this Ordinance.

Manufactured Home, Class C – Any manufactured home that does not meet the definitions of Manufactured Home in Class AA, Class A, or Class B above.

Metes and bounds. A system of describing and identifying land by measures (metes) and direction (bounds) from an identifiable point of reference such as a monument or other marker, the corner of intersecting streets, or, in rural areas, a tree or other permanent feature. It is the most precise of the three most common forms of urban land description (the others are by street number of house and by blocks and lots in tract subdivision). It is used with precision where land values are high and , ore loosely, in rural areas.

Miniwarehousing. A building or group of buildings in a controlled access and/or fenced compound that contains varying sizes of individual, compartmentalized and controlled access stalls or lockers for the dead storage of customer's goods or wares.

Mixed use zoning. Zoning which permits a combination of usually separated uses within a single development. Some ordinances specify permitted combinations of, say, various residential types and local businesses.

Mobile home. Synonymous with Manufactured Home, as defined elsewhere in this Section. The term “manufactured home” is considered to be more accurate terminology for the variety of factory built homes now being constructed, which includes units intended as permanent sites as well as transient use.

Mobile home park. Land used or intended to be used, leased or rented, for occupancy by two (2) or more mobile homes which are mounted on wheels, anchored in place by a foundation or other stationary support, to be used for living or commercial purposes of any kind, together with automobile parking space and incidental utility structures and facilities required and provided in connection therewith. This definition shall not include mobile home sales lots on which unoccupied mobile homes are parked for purposes of inspection and sale.

Modular Home – A dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.”

Moratorium. A temporary halting or severe restriction on specified development activities. Moratoriums on the issuance of building permits or on sewer hookups, for example, may be imposed

to allow the community to build the necessary utilities to accommodate the new development. Interim zoning can be considered a form of moratorium which gives time for the zoning ordinance to be changed (or a new one prepared) to allow for changing conditions and needs.

Neighborhood center. A neighborhood center is for neighborhoods to use primarily as a gathering place. Neighborhood centers may have no more than 2,500 square feet, and be used for purposes allowable in residential districts. Centers larger than 2,500 square feet shall be considered community centers.

Neighborhood zoning. Official and formal participating in the zoning process through some device at a less than citywide level. This participation may cover a wide range, from notification of neighborhood groups of proposed zoning changes to a formal review and comment by an officially constituted neighborhood body. While perhaps ten communities have developed some form of decentralization of the zoning process, in no case do neighborhood groups or bodies have the final word. Final decisions always are made by the city.

Nonconforming. A lot, structure, sign, or use of land or structure, which is now prohibited under the terms of this ordinance but was lawful at the date on which it was established or became lawful at some later date.

Nonconforming lot. A lot of record that does not conform to the dimensional requirements of the zoning district in which it is located. The nonconformity may result from adoption of this ordinance or any subsequent amendment.

Nonconforming structure. A structure that does not conform to dimensional, elevation, location, or other requirements of this ordinance. The nonconformity may result from adoption of this ordinance or any subsequent amendment.

Nonconforming use. A use which was once a permitted use on a parcel of land or within a structure but which is now not a permitted use of that parcel or structure according to Article VIII of this ordinance. The nonconformity may result from the adoption of this ordinance or any subsequent amendment.

Non-Residential. All uses which are neither single family, two-family nor multi-family.

Outparcel. A parcel of land designated on an approved commercial group development site plan or determined as such by the zoning administrator. An outparcel shall be secondary in nature to the primary commercial development. It shall contain one or two buildings, and be independent of the total development in that its parking requirement for the use meets the standard set forth in section 7.02 and its driveways, walkways, landscaping, and lighting are also unique to the building on the site.

Overlay zones. A set of zoning requirements that is described in the ordinance text, is mapped, and is imposed in addition to those of the underlying district. Developments within the overlay zone must conform to the requirements of both zones or the more restrictive of the two. It usually is employed to deal with special physical characteristics such as flood plains or steeply sloping areas, but it has other applications as well.

Over-zoning. Zoning more land area than can reasonably be expected to be developed for a particular use or zoning for an excessive population. Thus, over-zoning for industry would permit industry to locate in scattered areas and preclude land from being used for other purposes. Similarly, over-zoning of residential areas could permit extremely high densities, thus over-burdening public services. Recognition of over-zoning has led in recent years to a movement for downzoning. The term is nonspecific and is loosely used, especially by citizens appearing to protest a zoning action at a public hearing.

Parcel. A lot, or contiguous group of lots in single ownership or under single control, and usually considered a unit for purposes of development.

Permanent house guest. A person receiving food or lodging accommodations for periods of a week or longer and who pays for such accommodations and the visitors of said guests and not meeting the requirements of item (b) definition of family.

Physically disabled person. A person with any physical impairment that substantially limits one or more of such person's major life activities. Such impairments may include, but are not limited to, any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory; including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin and endocrine.

Required yard area That space between the required yard setback lines and the lot lines from which the required yard setbacks are measured.

Residential support facility. A building or group of buildings owned or operated by a nonprofit organization intended to be used solely for temporary occupancy by patients or family members of patients being treated at a local hospital.

Residential treatment facility. A facility that primarily provides 24-hour supervision and Level I, II or III therapeutic treatment as licensed by the North Carolina Department of Health and Human Services for adults or children with behavioral disorders, or juveniles adjudicated in a court of law as delinquent. Residential treatment facilities are limited to no more than 6 clients.

Rezoning. An amendment to or a change in the zoning ordinance. Rezonings can take three forms: (1) a comprehensive revision or modification of the zoning text and map; (2) a text change in zone requirements; and (3) a change in the map, i.e., the zoning designation of a particular parcel or parcels. Rezonings, like enactment of the original ordinance, are legislative acts that cannot be delegated to administrative officials. According to state law, planning boards make recommendations and city councils approve or deny rezonings.

Sediment. Solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.

Sedimentation. The process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a lake or natural water course.

Shopping center. A group of architecturally unified commercial establishments built on a site which is planned, developed, owned and managed as an operating unit related in its location, size and type of shops to the trade area that the unit serves. Generally is a building that contains three (3) or more separate businesses with two (2) or more dividing walls located on a parcel of land; or a group of buildings either connected or freestanding under one (1) ownership or multiple ownerships of land parcel that is designed with common parking, pedestrian movement, common entrances and exits, and used or intended to be used for the retail of goods and services to the public.

Sight Triangle. A triangular area formed by the intersection of the projected street lines (right-of-way lines) and a straight line connecting points on said street lines each of which is 25 feet distant from the point of intersection. See Section 12.04.

Signs. See section 9.02.

Special district. A district established to accommodate a narrow or special set of uses or for special purposes. The term can signify any district beyond the conventional residential, commercial,

industrial, and agricultural districts. Examples include open space districts, manufactured housing districts, planned development districts, education districts, hospital or medical districts, historic preservation districts, research park districts, and public/semi-public districts. Ordinances may contain numerous special districts, some of which may be overlay districts. The establishment of special districts must have an appropriate police power basis (these should be spelled out in the preamble or statement of intent), and there should be a reasonable market demand for the uses permitted to avoid charges of excessive and unlawful restrictions on the use of the property.

Spot zoning. An amendment to the Zoning Ordinance or Zoning Map which singles out and reclassifies a relatively small tract owned by a single person and surrounded by a much larger area uniformly zoned, so as to impose upon the smaller tract greater restriction than those imposed upon the larger area, or so as to relieve the small tract from restrictions to which the rest of the area is subjected. Four factors have been considered by the courts in determining whether there is a reasonable basis for spot zoning: (1) the size of the tract in question, with the smaller the property the more likely to be considered spot zoning; (2) the compatibility of the disputed zoning action with the existing comprehensive zoning plan; (3) the benefits and detriments resulting from the zoning action for the owner of the newly zoned property, his neighbors, and the surrounding community; and (4) the relationship between the uses envisioned under the new zoning and the uses currently present in adjacent tracts.

Sprawl. The spillover of development from a city, frequently occurring along arterial routes, oftentimes noncontiguous with existing development, and sometimes extending between arterials into the countryside; spread out in an awkward or uneven manner so as to take up more space than is necessary.

Standard restaurant. A standard restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following characteristics:

Customers, normally provided with an individual menu, are served their foods, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed, and consumption is generally within the restaurant building.

A cafeteria in which foods, frozen desserts, or beverages are displayed on counters, customers primarily serve themselves or make their selection, and such foods, frozen desserts or beverages are consumed generally within the restaurant building.

Statement of intent (statement of purpose). A statement of policy or objectives, often incorporated in a zoning ordinance, which outlines the broad purpose of the ordinance and its relationship to the comprehensive plan; frequently, a statement preceding regulations for individual districts, which helps to characterize the districts, and their legislative purpose. When the application of particular district requirements is challenged in court, the courts rely on the intent statement in deciding whether the application is reasonable and related to a defensible public purpose. As zoning ordinances become more complex, with numerous special districts and flexible applications, statements of intent, which guide users, administrative officials, and the courts, are becoming increasingly important.

Storm drainage facilities. The system of inlets, conduits, channels, ditches, and appurtenances which serve to collect and convey stormwater through and from a given drainage area.

Stormwater runoff. The direct runoff of water resulting from precipitation in any form.

Stream. A watercourse that collects surface runoff.

Street. A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

Street frontage. The length of property of a single lot abutting a public right-of-way or private street.

Street right-of-way. A strip of land whose legal title has been offered for public access and is occupied or intended to be occupied by a travelway and is also available, with the consent of the appropriate governmental agency, for installation and maintenance of traffic control devices, regulatory and information signs, water lines, sanitary sewer lines, storm sewer lines, gas lines, power lines, and communication lines.

Street, cul-de-sac. A short local street having one end open to traffic and the other end permanently terminated by a vehicular turnaround.

Street, local. A street whose primary function is to provide access to abutting properties.

Street, private. A vehicular travelway not dedicated or offered for dedication as a public street but resembling a cul-de-sac or a local street and providing the principal means of access to abutting properties or buildings.

Street, public. A dedicated and accepted public right-of-way for vehicular traffic. In the city limits, a public street shall be maintained by the city of Salisbury or the state Department of Transportation. In the city's extraterritorial jurisdiction, a public street shall be designed and constructed to the state Department of Transportation's standards, and may, or may not, have been accepted for state maintenance. Alleys are specifically excluded.

Structure. Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having more or less permanent location on the ground.

Structure, accessory. A detached, subordinate structure, the use of which is customarily incidental to that of the principal structure and which is located on the same lot as the principal structure.

Structure, historic. Any structure that is: (1) listed individually in the National Register of Historic Places (a listing maintained by the U. S. Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register; (2) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (3) individually listed on a state inventory of historic places; (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified (a) by an approved state program as determined by the Secretary of Interior, or (b) directly by the Secretary of Interior in states without approved programs.

Structure, principal. A structure in which is conducted the principal use(s) of the lot on which it is located.

Supervised living facility. A facility providing a structured living environment for developmentally disabled adults or children within the context of a residential setting. Supervision may vary from full time to part time depending on the severity of the developmental disability.

Thoroughfare plan. A plan, adopted by the city council, for the development of existing and proposed major streets that will adequately serve the future travel needs of an area in an efficient and cost-effective manner.

Thoroughfare street, major. Major thoroughfares consist of interstate, other freeway, expressway, or parkway links, and major streets that provide for the expeditious movement of high volumes of traffic within and through urban areas.

Thoroughfare street, minor. Minor thoroughfares collect traffic from local and other non-thoroughfare streets and carry it to the major thoroughfare system. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating movement of moderate volumes of traffic within and through urban areas and may also serve abutting property.

Townhouse dwelling. A building consisting of single family residences attached to one another in which each unit is located on an individually owned parcel, generally within a development containing drives, walks, and open space in common area.

Transfer of development rights (TDRs). A relatively new concept, enacted in only a few locations in which the development rights are separated from the land in an area in which a community (or state) wishes to limit development, and permits them to be sold for use in an area desirable for high-density development. It has been promoted as a way to retail farmland, preserve endangered natural environments, protect historic areas, stage development, promote low and moderate income housing, and achieve other land use objectives. Considerable research currently is underway to determine whether the TDR concept, which appears to offer such vast potential, can be applied to actual situations. A good deal of attention is being focused on the few states and localities which have enacted variations on the scheme.

Travel trailer (*camping trailer*). A vehicular, portable structure, built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses and being of any length or width, provided its gross weight does not exceed four thousand five hundred (4,500) pounds, or being of any weight, provided its overall length does not exceed twenty-nine (29) feet.

Urban growth boundary (urban limit line, urban service area). An area, identified through official public policy, within which urban development will be allowed during a specified time period. Beyond this line, using a variety of growth management tools such as acreage zoning and limits on capital improvements, development is prohibited or strongly discouraged. The establishment of such service boundaries has become an important tool for implementing public decisions on where growth should occur and what kinds of services a community can afford to supply. Some communities have established several lines, intending them to correspond with the phasing of growth over an extended period of time.

Use, conditional. A use permitted only upon approval of the Salisbury Zoning Board of Adjustment. Such a use shall be permitted only in the district in which it is listed and shall not be accumulative to any other district. **If property exists such that an existing use which was previously allowed by right would be allowed only as a conditional use, that use shall become nonconforming unless and until a conditional use permit is issued.**

Use, permitted. A use permitted in a given district as a permitted use and so authorized by being listed, or referenced as a permitted use, by district, in article VIII, Use Requirements by District.

Use, residential. Any type dwelling unit including single-family dwelling, two-family dwelling, multifamily dwelling, rooming or boarding house, accessory buildings and structures thereof and customary home occupations.

Vested rights. The right to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan or an approved phased development plan.

Wetlands. Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, under normal conditions, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Yard. A space on the same lot with a principal building open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

Yard, front. An open, unoccupied space on the same lot with a principal building, extended the full width of the lot, and situated between the street and that front line of the building, projected to the side lines of the lot.

Yard, rear. An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

Yard, side. An open, unoccupied space on the same lot with a principal building, situated between the building and the side lot line and extending from the rear line of the front yard to the front line of the rear yard.

Zero lot line. A development approach in which a building is sited on one or more lot lines with no yard. Conceivably, three of the four sides of the building could be on the lot lines. The intent is to allow more flexibility in site design and to increase the amount of usable open space on the lot. Virtually all zoning ordinances retain yard requirements; where zero lot line developments have been permitted, they have been handled through group development procedures, or other devised which allow for site plan review. The few ordinances which specifically authorize the zero lot line approach do so as an exception to prevailing regulations and under clearly defined circumstances. In Salisbury, RD-A and RD-B districts allow for zero lot line development.

Zoning. A police power measure, enacted primarily by general purpose units of local government, in which the community is divided into districts or zones within which permitted and special uses are established as are regulations governing lot size, building bulk, placement, and other development standards. Requirements vary from district to district. The zoning ordinance consists of two parts: a text and a map. For the most part, this conventional definition of zoning still applies, but recent innovations in special (or conditional) use districts and overlay districts have begun to blur some of the ordinance's neatness and clarity.

Zoning districts. A section of a city designated in the zoning ordinance text and (usually) delineated on the zoning map, in which requirements for the use of land and building and development standards are prescribed.

Zoning map. The map delineating the boundaries of districts which, along with the zoning text, comprises the zoning ordinance.

(Ord. of 5-3-66, §§ 1, 2; Ord. of 12-5-67, § 1; Ord. of 3-17-70, § 1; Ord. of 5-7-74, § 1; Ord. No. 1976-12, § 1, 2-17-76; Ord. No. 1979-27, § 1, 5-15-79; Ord. No. 1980-47, § 1, 5-6-80; Ord. No. 1981-26, § 1, 6-2-81; Ord. No. 1981-28, § 1, 6-16-81; Ord. No. 1981-45, § 1, 10-6-81; Ord. No. 1984-36, § 1, 5-1-84; Ord. No. 1984-67, §§ 1--3, 9-4-84; Ord. No. 1985-19, § 1, 3-5-85; Ord. No. 1985-80, § 1, 9-17-85; Ord. No. 1985-91, § 1, 11-19-85; Ord. No. 1986-20, § 2, 5-6-86; Ord. No. 1986-48, § 1, 7-1-86; Ord. No. 1989-43, § 1, 8-1-89; Ord. No. 1990-9, § 4, 3-6-90; Ord. No. 1991-5, § 3, 2-5-91; Ord. No. 1991-38, § 1, 10-1-91; **Ord. 1996-2; Ord. No. 1996-35; Ord. No. 1997-2; Ord. No. 1998-28; Ord. No. 1998-30; Ord. No. 1999-49; Ord. No. 2002-24; Ord. No. 2002-72; Ord. No. 2003-37; Ord. No. 2003-40)**